

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SUNTRUST MORTGAGE, INC.,

Plaintiff,

v.

Civil Action No. 3:12cv162

FIRST RESIDENTIAL MORTGAGE
SERVICES CORPORATION,

Defendant.

ORDER

By Order entered herein on May 11, 2012, the pending DEFENDANT'S MOTION TO DISMISS COMPLAINT (Docket No. 11) was referred to Magistrate Judge M. Hannah Lauck for report and recommendation.

Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 26) entered herein on September 11, 2012, and there being no timely filed objections thereto, and the time for filing objections having expired, and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 26) is adopted on the basis of the reasoning of the REPORT AND RECOMMENDATION.

It is further ORDERED that:

(1) The DEFENDANT'S MOTION TO DISMISS COMPLAINT (Docket No. 11) is denied; and

(2) The Initial Pretrial Conference is scheduled for 10:15 a.m. March 20, 2013.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

/s/ RE✓
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: February 7, 2013